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7 Attorneys for Defendants
8 ROCKSTAR, INC. and
9 ROCKSTAR BEVERAGE CORPORATION

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

13 SUZANNE ALAEI, individually and on
14 behalf of all others similarly situated,

15 Plaintiff

16 vs.

18 ROCKSTAR, INC. and ROCKSTAR
19 BEVERAGE CORPORATION,

20 Defendants

Case No. 3:15-cv-02959-JAH-BGS

**DEFENDANTS ROCKSTAR, INC.'S
AND ROCKSTAR BEVERAGE
CORPORATION'S NOTICE OF
MOTION AND MOTION TO
DISMISS AND/OR STRIKE THE
FIRST AMENDED COMPLAINT**

Hearing Date: Monday, May 9, 2016
Time: 2:30 p.m.
Courtroom: 13B
Judge: Hon. John A. Houston

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on May 9, 2016, at 2:30 p.m., or as soon
3 thereafter as the matter may be heard in the above-entitled Court, located at 333 West
4 Broadway, San Diego, California, in Courtroom 13B, Defendants Rockstar, Inc. and
5 Rockstar Beverage Corporation will and hereby do move to dismiss and/or strike the
6 entire First Amended Complaint in the above-captioned action under Federal Rules of
7 Civil Procedure 12(b)(6) and 12(f), as well as Civil Local Rule 7.1. Defendants' motion
8 is based on this Notice of Motion and Motion, the accompanying Memorandum of Points
9 and Authorities, and any further evidence or argument that the Court may properly
10 receive.

11
12 Dated: March 21, 2016

Respectfully submitted,

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14 HARVEY SISKIND LLP
15 IAN K. BOYD
DONALD A. THOMPSON

16 By: s/ Ian K. Boyd

17
18 Attorneys for Defendants
19 ROCKSTAR, INC. and
20 ROCKSTAR BEVERAGE
CORPORATION